

MINUTES
LEXINGTON COUNTY COUNCIL
May 23, 2006

Lexington County Council held its regular meeting on Tuesday, May 23, 2006 in Council Chambers, beginning at 4:30 p.m. Mr. Cullum presided; Mr. Owens gave the invocation and Mr. Kinard led the Pledge of Allegiance.

Members attending:	M. Todd Cullum	James E. Kinard, Jr.
	William C. Billy Derrick	George H. Smokey Davis
	Debra B. Summers	Bobby C. Keisler
	Johnny W. Jeffcoat*	John W. Carrigg, Jr.
	Joseph W. Owens	

*Mr. Jeffcoat left during the meeting because of a death in his wife's family.

Also attending: Art Brooks, County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator/County Administrator Designate; Larry Porth; Finance Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Employee Recognition - Katherine Doucett, County Administrator Designate - Ms. Doucett recognized the Midlands Technical College Supervisory Certification class graduates. This program is a cooperative effort between Lexington and Richland counties and the City of Columbia to pull together supervisors to learn more about the challenges that face them and how they can meet those challenges. Graduates were - Walt McPherson, Community Development; Marsha Moore, Clerk of Court's Office; Ed Salyer, Human Resources/Risk Management; Jason Hentz, Public Safety/EMS; Kelly Olin, Public Safety/Communications; Arkita Bostick, Public Safety/Communications; Loree Harmon, Public Works; Tonya Mealing, Treasurer's Office.

Presentation of Resolutions - Joshua daSilva Atria, Justin Nichols Atria - Presented by Councilman Johnny Jeffcoat - Mr. Jeffcoat, joined by Mr. Carrigg, presented framed resolutions to Joshua and Justin Atria on attaining Eagle Scout status. Mr. Jeffcoat noted that one of the requirements in achieving this accomplishment is to undertake a community service project in the community and Josh and Justin developed, designed, and completed construction of their chosen projects.

Ted O. McGee, Jr. - Presented by Councilman Joe Owens - Mr. Owens, joined by Mr. Cullum,

presented a framed resolution to Mr. McGee noting the company receiving the Greater Lexington Chamber of Commerce 2006 Family-Owned Business of the Year Award and the Regional Family-Owned Business of the Year in competition with eight other states in the region.

William A. “Art” Brooks - Presented by Chairman Todd Cullum - Chairman Cullum presented a framed resolution to Mr. Brooks who will be retiring on May 31, 2006 and highlighted several projects including the construction of the Oak Grove Magistrate’s Office, the North Lake Service Center, the EMS Operations Facility, Fire Service Training Center, the Lexington County Auxiliary Building, construction of the new Judicial Center and the addition to the County Administration Building. Chairman Cullum stated that Mr. Brooks had done a tremendous job for the County and the Council.

Mr. Brooks expressed his appreciation for the resolution and the relationships with Council, the County employees, and the citizens of the County. He stated that he had enjoyed his time and he appreciated the opportunity and the support of everyone.

Dorothy K. “Dot” Black - Presented by Chairman Todd Cullum - Chairman Cullum, joined by the other members of Council, presented a framed resolution to Ms. Black who will be retiring May 31, 2006. Chairman Cullum noted that she worked with 13 different Council Chairmen and six County Administrators, saw the County through the introduction of Home Rule, the first assessment, and three decades of building projects. Council also named the chambers the Dorothy K. Black Council Chambers.

Ms. Black expressed her appreciation and stated that it had been an honor and a privilege to work with the present Council and to have worked with a total of 39 Council members. She stated that the naming of the chambers was certainly unexpected and thanked Council.

Special Recognition - William C. “Billy” Derrick - Mr. Cullum stated that Mr. Derrick received the Lexington Soil and Water Conservation District’s Special Recognition Award at its Annual Awards Banquet on May 2, 2006 for his outstanding leadership and service. Mr. Derrick has been a strong supporter of the SWCD programs and activities relating to protecting the county’s natural resources, a director of the East Piedmont Resource Conservation and Development Council and was instrumental in the development of several constructed wetlands adjacent to Lake Murray. These constructed wetlands were solutions to failing septic tank and drain field problems that were affecting Lake Murray.

Condolences - Johnny W. Jeffcoat - Mr. Cullum extended condolences to Mr. Jeffcoat and especially Mrs. Pat Jeffcoat, whose uncle, Mr. Paul Inabinet, Sr., passed away.

Resolutions - Gilbert High School Indians Baseball Team and National Homeownership Month - A motion was made by Mr. Derrick and seconded by Mr. Owens that the resolutions be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Owens	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Appointments - Assessment Appeals Board - Mr. Robbie L. Stabler - A motion was made by Mr. Kinard and seconded by Mr. Derrick that Mr. Robbie L. Stabler be appointed to replace Mr. Charles Goodwin.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Riverbanks Park Zoo - Mr. Owens nominated Ms. Mary Sutton; seconded by Mr. Jeffcoat.

Mr. Cullum opened the meeting for discussion.

Mr. Cullum asked that Mr. Owens obtain a completed nomination form.

Mr. Owens indicated that Ms. Sutton would be faxing the completed form.

Mr. Davis asked if it was not normal procedure to have the nomination form in hand first.

Mr. Owens responded not necessarily, Council had done it both ways. Mr. Owens withdrew his nomination and Mr. Jeffcoat withdrew his second until receipt of the completed form.

Lexington Richland Alcohol and Drug Abuse Council - A motion was made by Mr. Davis and seconded by Mr. Derrick to appoint Mr. William Rawl to replace Mary Louise Resch.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Derrick	Mr. Kinard
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Bids/Purchases/RFPs - A motion was made by Mr. Derrick and seconded by Mr. Kinard that the following Bids/Purchases/RFPs (Tab K) be approved.

First Responder Bags - Public Safety/EMS - Competitive bids were solicited for the purchase of First Responder Bags. Eighteen (18) bids, of which five (5) were no bids, were received. The County will purchase sufficient first aid kits to equip all employees who serve as medical first responders which include EMS, Fire Service, and Law Enforcement.

Based on unit pricing, EMS requested to increase the quantity from 450 to 600. The three (3) lowest bidders were contacted requesting a price decrease since the quantity was increased. Staff recommended the award to MEMCO, Inc., as the lowest bidder meeting specifications for a total cost including sales tax of \$21,420.48.

Funds appropriated in 1000-131400-5A6070 - \$21,420.48.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Point of Privilege - FY 06-07 Budget Issue - Clerk of Court - Mr. Davis - Mr. Davis stated there was a budget item that he wanted to ask Council to reconsider. Mr. Davis asked that Council reconsider an item in the Clerk of Court's office for a part-time position. He stated that the individual is retiring under the TERI program and has agreed to return as a part-time employee. Mr. Davis stated that he believed the office needed the individual and proposed that the position be funded out of the fund balance and it may be just for a one year period.

A motion was made by Mr. Davis to fund the part-time position in the Clerk of Court's office.

Mr. Cullum stated this would amend the budget recommendations.

Mr. Davis stated that he knew it passed five to four and it may not change.

Mr. Cullum asked Mr. Davis whether he was on the prevailing or losing side when the issue was first considered.

Mr. Davis stated that it did not matter.

Mr. Owens interjected that it does. Mr. Owens called for a point of order. Mr. Owens stated that someone from the prevailing side must bring the issue up.

Mr. Davis stated this was a committee recommendation not a full Council recommendation; if the full Council had voted on it and he had voted in the losing manner, he could not bring it up.

Mr. Owens stated that he did not believe that was the case; any governing body, any vote, should be prevailing.

A motion was made by Ms. Summers and seconded by Mr. Jeffcoat that the part-time position be added in the Clerk of Court's budget for FY 06-07 (for one year).

Mr. Cullum stated that if approved it would be approximately \$18,000 in recurring expenses.

Mr. Cullum opened the meeting for further discussion.

Mr. Davis stated that the individual may decide to stay on, they may not.

Mr. Cullum stated that once the funds were appropriated, this being an elected official's budget, the funds can not be deleted. Mr. Cullum commented that Council has been through this before - once it's there it's there. He stated he wanted everyone to understand this was not a one time/one year thing.

Mr. Davis stated that he would like to do it for one year; if necessary fund it through the Council office and let the individual work for the Clerk of Court.

Mr. Cullum stated that he understood Mr. Davis' intent and he believed Mr. Davis understood also that Council had heard this numerous times that once funds were appropriated in elected officials' budgets they could not be reduced. Mr. Cullum asked if the decision was made next year not to fund the position could it be done without any repercussions or was Council mandated by some statute that the allocation would have to be continued.

Mr. Anderson stated that with elected officials there would be state funds that could be withheld if the office was not funded at the same level.

Mr. Davis asked if there was some way Council could appropriate funds for a staff person from another fund source and not be counted as a budget item for the Clerk of Court.

Mr. Owens responded, that was not appropriate.

Mr. Jeffcoat asked if the Clerk of Court could be asked to inform Council as to how much revenue she has put into the General Fund over and above last year just in the past two months, which was approximately \$10,000.

Mr. Cullum stated the point he was trying to get across was from a budgetary standpoint; it was very good and very positive that the revenue had increased, that was the charge of that office and he thought they were doing it very well. He was trying to relay to Council that once the funds were appropriated the funds could not be removed according to counsel.

Ms. Summers stated that there was a question earlier about the possibility of federal funds.

Mr. Cullum stated that he did not think federal funds were available. Those funds are already being used.

Mr. Davis commented the amount is less than \$18,000.

Mr. Cullum stated, \$17,900 of recurring expense which would be a General Fund expense item.

Mr. Jeffcoat stated that with the additional revenue the Clerk of Court is bringing in he did not see why that should be a major problem. If you figure just based on the last two months, it would be a \$60,000 increase that the Clerk of Court has brought in or will bring in this year just on child support into the General Fund.

Mr. Cullum stated those are numbers we're hearing, undocumented numbers from Finance.

Mr. Jeffcoat stated that he thought the numbers could be documented if need be.

Mr. Cullum commented, not here today. He stated this was a recommendation; he acknowledged there were more funds coming in.

Mr. Davis stated that there had not been a position added to the Clerk of Court's office in years; even in the current budget year they had been turned down.

Mr. Owens stated there was a mid-year appropriation for funds to hire someone, he was unsure whether it was for part-time or what, but there was a mid-year appropriation last year.

Mr. Jeffcoat called for the question.

Mr. Cullum stated in the current budget year a position had been reclassified, but no additional personnel.

Mr. Davis stated that he thought there would be a lot of efficiencies out of an individual that has done a job for a long time for a little bit of money.

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Davis	Mr. Keisler
	Mr. Carrigg	

Opposed:	Mr. Cullum	Mr. Owens
	Mr. Derrick	Mr. Kinard

Mr. Cullum stated that this would be an amendment to the budget.

Approval of Minutes - Minutes of April 25, 2006 - A motion was made by Ms. Summers and seconded by Mr. Derrick that the Minutes of April 25, 2006 be approved as submitted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Ms. Summers
	Mr. Derrick	Mr. Kinard
	Mr. Davis	Mr. Keisler
	Mr. Carrigg	Mr. Owens

Not Present: Mr. Jeffcoat *

* Mr. Jeffcoat left the meeting during the vote because of a death in his wife's family.

Zoning Amendment - Zoning Text Amendment T06-05 - Article 2 - Application of Regulations; Schedule of Permitted Uses, General Requirements, Buffering Restrictions - Announcement of 1st Reading - Mr. Cullum announced first reading of Zoning Text Amendment T06-05.

Zoning Map Amendment M06-06 - Road Classification of Indian River Drive from Local (L) to Residential Local Four (RL4) Road - Announcement of 1st Reading - Mr. Cullum announced first reading of Zoning Map Amendment M06-06.

Ordinances - Ordinance 06-01 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and SCE&G - 3rd and Final Reading - A motion was made by Mr. Davis and seconded by Mr. Derrick that Ordinance 06-01 receive third and final reading.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Owens	

Opposed:	Mr. Kinard	Mr. Carrigg
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Abstaining: Mr. Cullum *

Mr. Cullum abstained since his spouse is employed by SCE&G.

Ordinance 06-02 - Amendment to Amend Ordinance 95-12 and to Approve the Amendment of Joint County Industrial Park with Calhoun County - 3rd and Final Reading - A motion was made by Mr. Davis and seconded by Mr. Derrick that Ordinance 06-02 be given third and final reading.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Kinard	Ms. Summers

Mr. Keisler
Mr. Owens

Mr. Carrigg

Abstaining: Mr. Cullum**

**Mr. Cullum originally voted in favor of this Ordinance, however, prior to the end of the meeting was reminded that he needed to abstain and changed his vote since the matter involved SCE&G. He indicated his spouse is employed by SCE&G.

Committee Reports - Planning & Administration, J. Owens, Chairman - Library Services and Technology Act (LSTA) Continuing Education Sub-Grant - Mr. Owens reported that the Planning and Administration Committee convened on Tuesday, May 9, 2006 to consider a grant request from Library Services.

Mr. Dan MacNeill, Director of Library Services, had requested authorization to apply for a Library Services and Technology Act (LSTA) Continuing Education Sub-Grant. He said the grant would provide funds for an employee to attend the annual conference of the American Library Association. The grant amount is \$1,694.00 The State Library will contribute \$1,005 with the County contributing \$689.

The committee voted to recommend to full Council to approve staff's request to move forward with the grant application.

A motion was made by Mr. Owens and seconded by Mr. Kinard that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Carrigg

A BAR supplemental appropriation in the amount of \$1,005 to appropriate funds into Conference and Meetings for the Library Services and Technology Act Sub-Grant was distributed and signed by Council.

Economic Development, J. Jeffcoat, Chairman - Adoption of the Resolution Authorizing an Incentive and Inducement Agreement Between Lexington County and Project Pyramid - Economic Development - Postponed.***

Committee of the Whole, M. Todd Cullum, Chairman - Program Year 2006 Local Workforce Investment Area (LWIA) Plan Modification - Workforce Development Board - Mr. Cullum reported that the Committee of the Whole met during the afternoon to consider the modification.

He stated that Ms. Austin, Executive Director, briefed the committee about the modification and the fact that they must submit a two-year plan.

Mr. Cullum stated that the Committee voted to recommend that Council approve the modification.

A motion was made by Mr. Owens and seconded by Mr. Derrick that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

***Mr. Davis stated that he believed there was a matter to be considered under Economic Development.

Mr. Cullum apologized and stated there was a motion on the floor and then would consider the matter under Economic Development.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Derrick	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Carrigg

*****Economic Development, J. Jeffcoat, Chairman - Adoption of Resolution Authorizing an Incentive and Inducement Agreement Between Lexington County and Project Pyramid - Economic Development** - Mr. Davis, Vice Chairman, Economic Development, stated the Committee considered a revised incentive and inducement agreement and the committee voted to recommend that Council approve the revised agreement.

A motion was made by Mr. Davis and seconded by Mr. Derrick that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion.

Mr. Davis stated that the company is Allied Air Enterprises, Inc.

Mr. Cullum interjected, a division of the Lennox Corporation.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Derrick	Mr. Kinard
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	Mr. Owens

****Correction - Ordinance 06-02 - Amendment to Amend Ordinance 95-12 to Approve the County Joint Industrial Park with Calhoun County** - Mr. Cullum stated he should have abstained from that vote on Ordinance 06-02 since it involves SCE&G. He asked that the record reflect his

abstention.

Executive Session/Legal Briefing - Mr. Cullum stated that issues to be discussed during executive session include litigation update, a contractual issue, a personnel issue and several on-going legal matters.

A motion was made by Mr. Owens and seconded by Mr. Kinard that Council go into executive session to discuss those items as stated above by Mr. Cullum.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Carrigg

Council reconvened in opened session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Cullum stated no motions were to be considered as a result of the executive session.

Public Hearing - Ordinance 06-03 - FY2006-07 General and Non-General Fund Budgets - Mr. Cullum stated that the purpose of the hearing was to obtain comments from proponents and opponents in regard to the proposed budget. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes.

Mr. Cullum opened the meeting for comments from those in favor of Ordinance 06-03. He stated that no one had signed to speak in favor of Ordinance 06-03 and asked if there was anyone present who wanted to speak in favor. No one asked to speak.

Mr. Cullum closed the meeting for those in favor to speak.

Mr. Cullum opened the meeting for comments from those in opposition to Ordinance 06-03. Mr. Cullum stated that one person had signed to speak in opposition. Mr. Cullum recognized Mr. Charles Rucker.

Mr. Charles Rucker, 1650 Hwy. 21, Swansea, SC 29160 - I'm also the Chief of the Sandy Run Fire Department in our County and I'm here tonight to represent all the volunteer chiefs, I think it's nine (9) and six (6) of us are present and three (3) are not because of prior engagements and this is kind of short, but our feelings are the only thing, we're not opposed to the budget. Now I did put opposed down there because I am opposed to one thing and all the rest of our chiefs feel the same way, that we oppose any of our funding, our budget money, which I believe now falls under County Council and County Administrator as a department, department of Fire Service budget. We want it to stay that way. We don't want any of that funding or any funding for any positions to leave our department and fall under any other department in the County and that's it. I thank you very much.

Mr. Derrick stated that he did not want to speak but did want to make a note. This was his eighth budget and he did not think Council had ever had only one person opposed to a budget in his eight budgets.

No one else asked to speak.

Mr. Cullum closed the public hearing.

Ordinance 06-03 - FY 2006-07 General and Non-General Fund Budgets - Consideration of Changes to Ordinance 06-03 - FY 2006-07 General and Non-General Fund Budgets - No further changes were made to the proposed budget.

Ordinance 06-03 - FY 2006-07 General and Non-General Fund Budgets - 2nd Reading - A motion was made by Mr. Keisler and seconded by Mr. Carrigg that Ordinance 06-03 receive second reading to include recommendations at the afternoon budget worksession (Coroner's Office, Public Safety/Administration, Law Enforcement, Victim's Bill of Rights, and Treasurer's Office) and to include the item dealing with the Clerk of Court during the 4:30 session of Council.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Keisler
	Mr. Carrigg	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Owens

Next Council Meeting - Mr. Derrick asked the date of the next meeting.

Mr. Davis asked the date of the next public hearing.

Mr. Cullum responded May 30 to deal with the Irmo Chapin Recreation Commission.

Mr. Owens stated that he and Mr. Kinard would be out of town on June 6th and recommended that Council meet on June 20th.

Mr. Cullum stated that the 13th was out since that was the Primary date.

It was the consensus of Council that the next meeting be held on June 20.

Executive Session/Legal Briefing - Mr. Cullum indicated that one issue remained to be discussed involving a legal matter.

A motion was made by Mr. Owens and seconded by Ms. Summers that Council go into executive session to discuss an on-going legal matter.

In Favor:	Mr. Cullum	Mr. Owens
	Ms. Summers	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	Mr. Carrigg

Council reconvened in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Cullum reported that no motions were to be considered as a result of executive session.

Budget Amendment Resolutions - The following BARs were distributed and signed by Council.

A Supplemental Appropriation in the amount of \$13,505 to appropriate funds for a confiscated 2003 Ford Mustang which will be added to the fleet and will replace a 1997 Cadillac. The vehicle will be used in the Narcotics Division.

Drop-In - Ms. Doucett reminded Council of the drop-in for Dot Black and Art Brooks, Friday, May 26, 2006, 2:00-4:00 p.m., Second Floor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Chairman